

IV. REMARKS

1. Claims 1-14 remain in the application.

The Abstract has been amended to comply with US practice.

Claims 8 and 9 have been amended to overcome a rejection for lack of antecedent basis.

Claim 3 has been amended to overcome an indefiniteness rejection.

The amendments to claims 3, 8, and 9 are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. Regarding Applicants' claim of priority, the present application claims priority from FI 20000569 and FI 20001327, certified copies of which were submitted to the USPTO on January 10, 2001.

The first page of each document is enclosed herewith. Referring to the first page of each, the second item is the Application number and the third item is the filing date. Referring now to FI 20001327, the fourth item indicates that FI 20001327 claims priority from FI 20000569, and the fifth item indicates that FI 20000569 was filed on 10 March 2000. Thus, Applicants respectfully submit that certified copies of both FI 20001327 and FI 20000569 have been properly submitted and that the first page of FI 20001327 also includes a claim of priority.

3. Applicants appreciate the indication that claims 4-9, and 14 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening

claims. However, Applicants believe that these claims are patentable as they stand for the reasons stated below.

4. Applicants respectfully submit that the specification meets the requirements of the first paragraph of 35 USC 112 with regard to claims 12 and 13.

Support for the electro-static discharge protector being a polymer component, as recited in claim 12, is found in the specification, for example, on page 5, lines 18-21, with reference to Figure 3.

Support for the electro-static discharge protector being a feed through component, as recited in claim 13, is found in the specification, for example, on page 6, lines 1-8, with reference to Figure 5.

At least for these reasons, Applicants submit that the specification is enabling for claims 12 and 13.

5. Applicants respectfully submit that claims 1-3, 8, and 10 are patentable over Applicants' admitted prior art.

The Office Action correctly points out that the admitted prior art fails to disclose a first impedance within the microphone capsule. Applicants' submit that it would not have been obvious to add a resistor like R11 to circuitry within the microphone capsule.

The admitted prior art teaches away from adding R11. The specification on page 2, lines 22-27, states that R11 may be added in series with one output conductor of the microphone capsule to decouple C11 and the external varistor VDR1. The specification goes on to describe why this is not a viable

option. Described disadvantages of adding R11 include that it would have to be large enough to sustain an electro-static discharge (ESD) pulse, and that it may make the microphone more susceptible to ESD. Thus, not only is there no suggestion to add R11 to the present invention, the admitted prior art teaches away from adding R11.

Furthermore, R11 is described and shown as being added externally to the microphone capsule. This is in contradistinction to the first impedance, claimed as being within the microphone capsule, in series with a first output conductor and a first output contact.

Applicants respectfully submit that *In re Larson* may not be applicable to the present application. According to Larson's decision "*a claim to a fluid transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a break drum integral with a clamping means*". There seems to be two integrated structures, the one relating a fluid transporting vehicle and the other relating a brake drum, the structures obviously resembling to each other. A claim on the former is rejected on grounds of the latter.

The Larson decision further states that "*the use of one piece construction instead of the structure disclosed in the prior art would be merely a matter of obvious engineering choice*". From this the Examiner concludes that, regarding the present microphone, "*the use of one structure instead of a structure of multiple parts as that disclosed by the AAPA would be merely a matter of obviousness to one skilled in art of microphone structure and function*". Applicants respectfully submit that the conclusion is erroneous. Note that both structures in

Larson's case are one piece constructions. For this reason Larson's decision is not serviceable against the present application.

Furthermore, it would appear that fluid transporting vehicles and brake drums have nothing to do with an integration of microphone structure.

Flaws and disadvantages of microphone structures shown, and similar to that of Fig. 1 are described on pages 2 and 3 of the present application. Advantages of the microphone structure of the present invention are described on pages 3 and 4. As can be seen, there are plurality of significant advantages. If the solution according to the present invention would be obvious to a person skilled in the art, regardless of the Larson decision, such a solution should exist. However, no art has been presented that includes all the features of the present invention.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 9/19/03 Signature: Doris W. Perman
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Helsinki 20.10.2000

E T U O I K E U S T O D I S T U S
P R I O R I T Y D O C U M E N T



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(2)

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Patent application no

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10.03.2000

(3)

Kansainvälinen luokka
International class

H04R

Keksinnön nimitys
Title of invention

"Microphone structure"
(Mikrofonirakenne)

Täten todistetaan, että oheiset asiakirjat ovat tarkkoja jäljennöksiä patentti- ja rekisterihallitukselle alkuaan annetuista selityksestä, patenttivaatimuksista, tiivistelmästä ja piirustuksista.

This is to certify that the annexed documents are true copies of the description, claims, abstract and drawings originally filed with the Finnish Patent Office.

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E T U O I K E U S T O D I S T U S
P R I O R I T Y D O C U M E N T



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2

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4

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5

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